

Applicant : Lily Ka-Lai Cheng
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REMARKS

Reconsideration of the above identified patent application is respectfully requested. Claims 41-42, 46, 48-51, 57, 68-71, 73-74, 76-81, 85, 87-90, 94, and 96-97 are pending. Claims 43-45, 47, 52-56, 58-67, 72, 75, 82-84, 86, 91-93, and 95 are withdrawn subject to the allowance of a generic claim. Claims 1-40 and 98 are cancelled.

I. Substitute Specification, Abstract, and Drawings

The present application is a National Stage filing based on PCT Application PCT/GB2003/004654 filed October 28, 2003. A copy of the PCT application was included in the National Stage filing.

Unfortunately, in addition to the copy of the PCT application, the National Stage filing incorrectly included a copy of the specification, abstract, and drawings from an unrelated PCT application (i.e. PCT/GB2003/002030 filed May 13, 2003). This error was noted only recently by the undersigned new counsel when reviewing the file history in view of the pending restriction requirement. It appears that this error has created confusion in the prosecution to date between the Examiner and original counsel. Such confusion is sincerely regretted.

To correct this error, a substitute specification, abstract, and drawings (a) are attached to this Response and (b) correspond identically to the specification, abstract, and drawings of the correct PCT application that is the basis of this National Stage filing. Pursuant to 37 C.F.R. 1.125(b) the undersigned states that the substitute specification includes no new matter because it is identical to the specification of the PCT application that is the basis of this National Stage filing.

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II. Election

The Examiner has required restriction among a variety of species identified by claim number. It is assumed that the claims-based species rejection was made in a good faith effort to advance prosecution in view of the reality that the incorrect specification, abstract, and drawings did not correspond to the claims in the Preliminary Amendment. However, M.P.E.P. 806.04(e) states that, “claims themselves are never species.” It therefore is respectfully submitted that the claims-based species rejection should be withdrawn.

In view of the substitute specification, abstract, and drawings, it is respectfully submitted that a disclosure-based species restriction is appropriate. Such a restriction is governed by M.P.E.P. 806.04(f) and (h). Applicant suggests that under this standard the application includes the following species:

- I. Figs. 7a and d
- II. Figs. 7b-c
- III. Figs. 8b and 9a-f
- IV. Figs. 10a-c
- V. Figs. 11a-b

Applicant further suggests that the application includes the following subspecies:

First subspecies:

- A. Activator operable to provide both the first and second power transfer areas at the same time.

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B. Activator operable to provide the first and second power transfer areas at different times.

Second subspecies:

C. At least one of the first and second coils generating a field generally parallel to the power transfer surface.

D. At least one of the first and second coils generating a field generally perpendicular to the power transfer surface.

Assuming that the Examiner agrees with the suggested species and subspecies, Applicant elects species I (Figs. 7a and 7d) and subspecies A and C. The claims reading on these species and subspecies are claims 41-42, 46, 48-51, 57, 68-71, 73-74, 76-81, 85, 87-90, 94, and 96-97. Interestingly, these same claims also read on species 1A, 2A, and 3A identified by the Examiner in the claims-based restriction requirement. So the election of the pending claims is fully responsive to the Examiner's restriction requirement.

Claims 43-45, 47, 52-56, 58-67, 72, 75, 82-84, 86, 91-93, and 95 are withdrawn subject to the allowance of a generic claim. Claim 98 is cancelled.

III. Conclusion

It is respectfully submitted that an Action on the merits is in order in view of the substitute specification, the substitute abstract, the substitute drawings, the proposed disclosure-based restriction, and the proposed election. Such is earnestly and respectfully

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requested. And again, the confusion created by the previous incorrect specification, abstract, and drawings is regretted.

Respectfully submitted,

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